

1 Honorable Barbara J. Rothstein
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7 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 ESTATE OF IAN SIMMERS, by and
through administrator, Donna Berube,

9 Plaintiff,

10 v.

11 KING COUNTY, *et al.*,

12 Defendants.

13 No. 2:21-cv-00100-BJR

14 DECLARATION OF CAPTAIN KENT
BAXTER

15 I declare under penalty of perjury under the laws of the United States that I am
16 over the age of 18 and otherwise competent to testify, and the following is true and
17 based on my personal knowledge.

18 1. I was a commissioned law-enforcement officer for the King County
19 Sheriff's Office (formerly known as the King County Police Department) for about thirty
20 years. I was hired in 1983, and I retired in 2013.

21 2. Prior to working at King County, I also served in the U.S. Army as a
22 military police officer.

23 3. I graduated from the Basic Law Enforcement Academy in 1983. The Basic

1 Academy, which is operated by the Washington State Criminal Justice Training
2 Commission, teaches the basic knowledge and skills necessary for serving as a police
3 officer. Among other subjects, the Academy consisted of training in criminal law, report
4 writing, and investigations.

5 4. The Sheriff's Office provided ongoing training over the course of my
6 career. Some of my training happened informally through on-the-job training and
7 mentoring, but I also attended various training courses. For instance, I attended the
8 Reid Method of Criminal Interview and Interrogation Seminar in 1994.

9 5. During my 30-year career at the King County Sheriff's Office, I served in
10 different law-enforcement positions. In broad strokes, I started in patrol before I was
11 promoted to supervisory roles, including sergeant, police chief of a contract city, and
12 ultimately captain. I retired from the Sheriff's Office holding the rank of captain.

13 6. I consulted my report to refresh my recollection regarding these events
14 that occurred almost 30 years ago. Set forth below is my best recollection.

15 7. In March 1995, I was working as a patrol officer in the northeast part of
16 King County. On March 12, I responded briefly to the scene of an arson at the public
17 restrooms for the baseball fields just north of NE 145th Street in Woodinville. This
18 location is along the Sammamish River Trail, which becomes the Burke-Gilman Trail
19 further north. Shortly after I got there, an arson investigator arrived and began her
20 investigation.

21 8. While I was on scene, however, I observed what became important details
22 in identifying the suspects (Ian Simmers and Jonathan Wyatt). First, it looked like the
23 fire in one of the restrooms had been started using a flare gun. Second, I found a

1 distinctive shoepoint on a locked door to a storage room at the restrooms. I thought the
2 shoepoint was probably left when a suspect attempted to kick the door open. I showed
3 the print to the arson investigator, so she could photograph it.

4 9. Then I went to the nearby scene of another arson. A boat on a trailer had
5 been set on fire with a flare gun at an apartment complex on the other side of NE 145th
6 Street. Officer Cunningham was already at that scene, taking a report of a vehicle prowls
7 that might have been related to the arsons.

8 10. While at this other scene, I observed a shoepoint on a fiberglass boat that
9 was parked underneath a carport in the apartment complex. The print had a design
10 similar to a waffle iron, which was different than the print I observed at the restroom. I
11 told the fire investigator about the shoepoint and asked her to photograph the print,
12 because it appeared there were at least two suspects involved in the arsons.

13 11. I recall sketching both shoepoints in my notebook for reference in case I
14 came across similar prints in the future.

15 12. A few days later, on March 15 at about 1:30 p.m., I went to the precinct
16 building in Kenmore to print a case report. I saw two flare guns and some small liquor
17 bottles sitting on a table. I asked Officer Janasz, one of the officers at the precinct,
18 where the flare guns had come from. He told me that two males detained in the holding
19 cells (Mr. Simmers and Mr. Wyatt) had been in possession of the flare guns. Since the
20 arsons that occurred a few days earlier in Woodinville were set with flare guns, I pointed
21 out that the males might be involved. I asked if the males were wearing tennis shoes,
22 and Officer Janasz said, "Yes."

23 13. I examined both pairs of tennis shoes that were on the floor outside the

1 holding cells where the males were detained. The patterns on the soles matched the
2 shoeprints I had observed at the arson scenes a few days before.

3 14. I told Officer Janasz what I figured out. The soles of the males' shoes
4 were the same as the shoeprints at the scenes of the arsons. The matching shoeprints,
5 along with the fact that the males were in possession of the type of incendiary devices
6 (flare guns) used to start the fires, led me to believe that Mr. Simmers and Mr. Wyatt
7 were involved in the arsons. Officer Janasz passed that information along to the arson
8 investigator.

9 15. I saw Sgt. Rusk and Major Beard at the precinct and also told them why I
10 believed the males in the holding cells were involved in the arsons a few days earlier.

11 16. I understand that detectives subsequently interviewed Mr. Simmers and
12 Mr. Wyatt, and that they confessed to the arsons.

13 17. That night, Major Beard called me at home and explained that the
14 suspects had also confessed to a murder along the Burke-Gilman Trail in Bothell.
15 Although I was not involved in the murder investigation, I believe Major Beard informed
16 me of this development because I had helped connect the suspects to the arsons.

17 18. At no point did I ever speak to Mr. Simmers or Mr. Wyatt. Nor was I
18 otherwise involved with their interviews. Other than connecting them to the arsons due
19 to their flare guns and shoeprints, I don't recall any other participation in the
20 investigations of either Mr. Simmers or Mr. Wyatt. I also did not assist in any way with
21 the interview of Kevin Olsen, the jailhouse informant who I understand testified that Mr.
22 Simmers confessed to him, too.

23 19. It's my belief that all my actions during my very limited role in assisting

with the identification of the suspects were lawful and in compliance with my training, department policy, and standard police practices.

20. I understand that Mr. Simmers contends that I and other officers engaged in an unlawful conspiracy against him. That is false. I would never conspire to violate anyone's rights, which would go completely against my values and my oath to uphold the law. Additionally, I didn't have any interactions with Mr. Simmers or Mr. Wyatt. Beyond observing unique shoeprints at the arson scenes and figuring out that those prints matched shoes Mr. Simmers and Mr. Wyatt had been wearing, I do not recall having any involvement in the investigations of them. And I was not involved in Bothell's murder investigation at all. I certainly did not reach any agreements with other officers about Mr. Simmers or Mr. Wyatt.

Signed on November 17, 2023, at Republic, Washington.



Retired Captain Kent Baxter

DECLARATION OF CAPTAIN KENT BAXTER
(No. 2:21-cv-00100-BJR) - 5

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CERTIFICATE OF SERVICE

I certify that on the date below I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

Attorney for Plaintiff

David Owens

Attorneys for Bothell Defendants

Shannon Ragonesi

Paul Triesch

I further certify that on the date below I mailed by U.S. Postal Service a copy of the foregoing document to the following non-CM/ECF participants:

N/A

DATED: February 12, 2024

s/Geoff Grindeland
Geoff Grindeland